

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**DERRICK A. ARMSTRONG**

**Petitioner,**

**-v-**

**KAREN HOGSTEN, Warden, et al.,**

**Respondents.**

**Case No. C-3:10-cv-275**

**Judge Thomas M. Rose  
Magistrate Judge Sharon L. Ovington**

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**ENTRY AND ORDER OVERRULING ARMSTRONG'S OBJECTIONS  
(Doc. #14) TO THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS REGARDING ARMSTRONG'S MOTION FOR  
LEAVE TO APPEAL IN FORMA PAUPERIS AND APPLICATION FOR  
CERTIFICATE OF APPEALABILITY; ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS ON THAT SUBJECT  
(Doc. #13) IN ITS ENTIRETY AND DENYING ARMSTRONG'S MOTION  
FOR LEAVE TO APPEAL IN FORMA PAUPERIS AND APPLICATION  
FOR CERTIFICATE OF APPEALABILITY**

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This matter comes before the Court pursuant to Petitioner Derrick A Armstrong's ("Armstrong's") Objections (doc. #14) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #13) regarding Armstrong's Motion for Leave To Appeal In Forma Pauperis and Application for Certificate of Appealability. The time has run and none of the Respondents have filed responses to Armstrong's Objections. Armstrong's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Armstrong's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and

Recommendations is adopted in its entirety.

Armstrong's Motion for Leave To Appeal In Forma Pauperis is OVERRULED. The request for a Certificate of Appealability is also OVERRULED. Finally, the captioned cause shall remain terminated on the docket records of this Court.

**DONE** and **ORDERED** in Dayton, Ohio, this Tenth Day of February, 2011.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Derrick A. Armstrong at his last address of record